

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

FILED
CHARLOTTE, NC
MAY 30 2008

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

DOCKET NO. 3:08-mc- 89

IN RE:)
FIREARMS POLICY FOR THE)
UNITED STATES COURTHOUSES,)
WESTERN DISTRICT OF NORTH)
CAROLINA)

ORDER

Pursuant to 18 U.S.C. § 930(f), federal courts have “the power . . . to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.” This statute recognizes the fact that “Congress has deferred to the courts in matters relating to possession of weapons in Federal courthouses.” State v. Wadsworth, 991 P.2d 80, 88 n.77 (Wash. 2000). It is based upon this statutory authority that the Court now creates this firearms policy as it relates to Judicial Officers of the Western District of North Carolina.

1. Definitions.

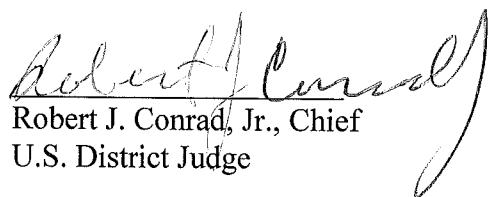
- a. The term “Judicial Officer” means district judges, magistrate judges, and bankruptcy judges and the clerks of the district and bankruptcy court and employees of the judges and clerks whom the respective judge or clerk has designated in writing to the Chief Judge.
- b. The term “firearm” is defined in 18 U.S.C. § 921(a)(3) (“The term ‘firearm’ means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or

receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.”). This definition will control for purposes of this policy, except that destructive devices as defined in § 921(a)(4) shall not be included within this policy.

2. General Rule. Judicial Officers within the Western District of North Carolina, provided they are qualified within the meaning of subsection 3, may henceforth carry concealed firearms within or upon the grounds appurtenant to any courthouse within the Western District of North Carolina. As per the date of this Order, this includes the courthouses and grounds of the Asheville, Bryson City, Charlotte, and Statesville divisions.
3. Qualification. In order to carry a concealed firearm pursuant to this Order, each Judicial Officer must obtain qualification from the United States Marshals Service, another law enforcement agency, or demonstrate some equivalent firearms training (e.g., United States Armed Forces). Such qualification must be renewed on an annual basis and must also be approved by the Chief District Judge on an annual basis.
4. Annual and Supplemental List to the United States Marshal. The Chief Judge will annually submit a list of the individuals who routinely carry concealed firearms on the courthouse grounds to the United States Marshal and will supplement the list between annual reports as needed.
5. Compliance with State and Local law. This Order shall not be construed as superceding or conflicting with any state or local law concerning the possession of concealed firearms on

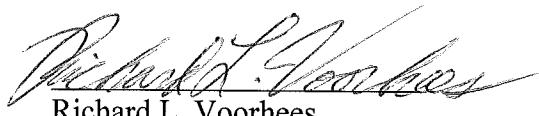
state or city property.¹ This Order shall apply only to the federal courthouses and grounds appurtenant thereto within this District.

SO ORDERED THIS 24TH DAY OF APRIL, 2008.



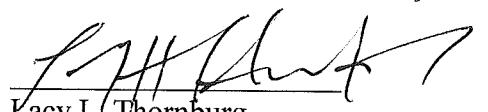
Robert J. Conrad

Robert J. Conrad, Jr., Chief
U.S. District Judge



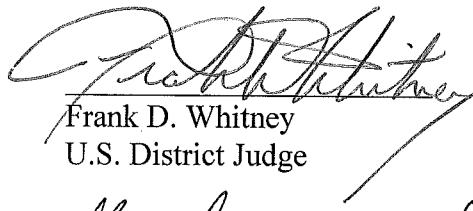
Richard L. Voorhees

Richard L. Voorhees
U.S. District Judge



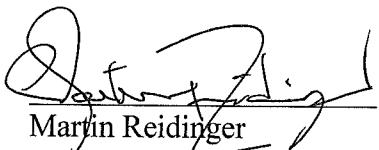
Lacy L. Thornburg

Lacy L. Thornburg
U.S. District Judge



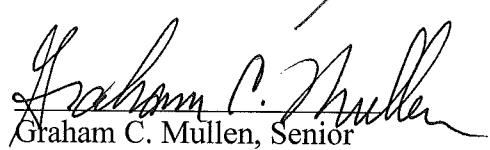
Frank D. Whitney

Frank D. Whitney
U.S. District Judge



Marylin Reidinger

Marylin Reidinger
U.S. District Judge



Graham C. Mullen

Graham C. Mullen, Senior
U.S. District Judge

¹The Court notes, however, that Federal District Judges, as civil officers of the United States, appear to be exempted from North Carolina's law against carrying concealed weapons. N.C. Gen. Stat. § 14-269(b)(2) states that the law against carrying concealed weapons "shall not apply to . . . Civil and law enforcement officers of the United States." Although "civil officers of the United States" is not defined in the statute or elsewhere in North Carolina law, the United States Code includes "a justice or judge of the United States" in its definition of civil officers. 5 U.S.C. § 2104.



REQUEST TO CARRY FIREARM

Name: _____ Date: _____

Office Address: _____

Identify Office of Employment: _____

Work Phone: _____ Work E-mail: _____

I hereby attest that I am qualified to carry a concealed firearm pursuant to Order _____ of this court by:

- Qualification by the United States Marshal Service; or
- Qualification by _____ law enforcement agency; or
- Qualification by the United States Military (Branch: _____); or
- Other demonstrated equivalent firearms training.

Attach any certification or other document issued by the qualifying authority above to this application.

- Approval of Clerk of Court or Judicial Officer to whom the employee reports.

Signature

Date

- Approval of Chief Judge. Approval is granted until _____.

Signature

Date

CC: United States Marshal
Personnel File

Certificate of Completion

Firearms Safety Training Course

Be it known that the instructor named below has met the general guidelines established by the North Carolina Criminal Justice Education and Training Standards Commission by filing with the Commission a copy of his/her firearms instructor certification. That the instructor has also filed with the Commission a course description and outline which meets the general guidelines for a Firearms Safety Training Course as established by the Commission.



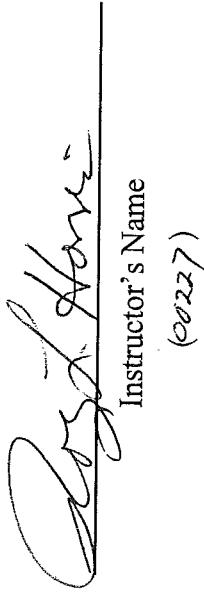
John Glenn
John Glenn, Chairman



David D. Cashwell
David D. Cashwell, Director

FRANK F. JOHNS
Student's Name

I verify that the student named above successfully completed an approved course of instruction on 6-16-2000, 199- and is competent with a handgun and knowledgeable about the laws governing the carrying of a concealed handgun and the use of deadly force.



David D. Cashwell
Instructor's Name
(00227)

No 106507